

Appl. No. 10/072,465
Amendment Dated October 5, 2005
Reply to Office Action of August 5, 2005

REMARKS

Claims 7-15 and 24-34 remain standing in this application. Claims 7, 24, and 26 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

At page 2, paragraph 2 of the Office Action claims 7-15 and 24-34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application Number (USPAN) 2004/0179516 A1 to Neyman ("Neyman"). Applicant respectfully traverses the rejection, and respectfully requests reconsideration and withdrawal of the anticipation rejection.

Claims 7-15 and 24-34 define over the Neyman reference. Independent claims 7, 24 and 26 each recite an "application computer" and a "gatekeeper." The Neyman reference fails to disclose at least this language of claims 7, 24, and 26.

Applicant has amended claims 7, 24, and 26 in a similar manner. For example, claim 7 has been amended to recite the following operations performed by the application computer and the gatekeeper:

transmitting a notification request of telephony events occurring at the receiving endpoint from the application computer to the gatekeeper; [and]

transmitting a notification that the incoming call is being received by the receiving endpoint from the gatekeeper to the application computer....

Applicant submits that the Neyman reference fails to disclose a "gatekeeper" as recited in claims 7, 24, and 26. According to the Specification, a "gatekeeper" is a defined entity of the H.323 protocol that typically performs a set of intelligent network

Appl. No. 10/072,465
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functions such as bandwidth control, zone management, address translation, and admissions control for a designated set of network terminals. Specification, Page 2, Lines 11-24.

According to the Office Action, the Neyman reference discloses that "IDRP 35 is (application computer) connected to IP node 25 (gatekeeper) via data link 34 (packet data network), while IP node 23 is connected to an IDRP 33 via a data link 24." Office Action, Page 2.

As stated by the Neyman reference, however, IP nodes 23 and 25 "are typically termed IP Routers in the art." Further, the Neyman reference states that "the terms as applied to IP Routers, such as routers 23 and 25, refers to relatively 'dumb' machines that receive and forward data packets." Neyman, Paragraph 33. Therefore, the "dumb" machines of IP routers 23 and 25 could not perform any call processing operations at all, let alone those specific functions defined for a gatekeeper. Consequently, Applicants respectfully submit that IP nodes 23 and 25 do not comprise a "gatekeeper" as recited in independent claims 7, 24, and 26.

Applicant submits that typical IP routers, such as routers 23 and 25 disclosed by the Neyman reference do not "transmit[] a notification that the incoming call is being received by the receiving endpoint ... to the application computer," as recited in amended claim 7 (and similarly amended claims 24 and 26). This is performed by the "gatekeeper" as claimed in claims 7, 24, and 26 and as defined in the specification. Therefore, Applicant submits that the Neyman reference fails to disclose at least the "gatekeeper," as recited in claims 7, 24, and 26, and the anticipation rejection should be withdrawn at least on this basis.

Appl. No. 10/072,465
Amendment Dated October 5, 2005
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Furthermore, Applicant submits that the Neyman reference fails to disclose an “application computer” as recited in claims 7, 24 and 26. According to the Specification, an “application computer” may execute various external telephony applications. Specification, Page 5, Lines 11-16. Examples of external telephony applications may include “Screen Pop,” “Caller ID,” and so forth. Specification, Page 4, Lines 2-4.

According to the Office Action, the Neyman reference discloses that “IDRP 35 is (application computer) connected to IP node 25 (gatekeeper) via data link 34 (packet data network), while IP node 23 is connected to an IDRP 33 via a data link 24.” Office Action, Page 2.

As stated by the Neyman reference, however, IDRP 33 and 35 are designed to provide “special routing intelligence” and that that are “innovative data routers termed intelligent data-routing processors (IDRPs).” Neyman, Paragraph 39. In other words, it appears that IDRP 33 and 35 are limited to merely providing additional routing functionality to the “dumb” IP routers 23 and 25. The Neyman reference at the given cites, in relevant part, fails to describe IDRP 33 and 35 executing any external telephony applications. Consequently, Applicants respectfully submit that IDRP 33 and 35 do not comprise an “application computer” as recited in independent claims 7, 24, and 26.

Applicant submits, that the IDRPs 33 and 35 disclosed by the Neyman reference do not “transmit[] a notification request of telephony events occurring at the receiving endpoint ... to the gatekeeper,” as recited in amended claim 7 (and similarly amended claims 24 and 26). This is performed by the “application computer” as claimed in claims 7, 24, and 26 and as defined in the specification. Therefore, Applicant submits that the Neyman reference fails to disclose at least the “application computer,” as recited in

Appl. No. 10/072,465
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claims 7, 24, and 26, and the anticipation rejection should be withdrawn at least on this basis.

For at least the reasons given above, the Neyman reference fails to disclose all the language of independent claims 7, 24, and 26. Applicant therefore respectfully requests removal of the anticipation rejection with respect to independent claims 7, 24, and 26. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 8-15, 25, and 27-34, which depend from claims 7, 24, or 26, and therefore contain additional features that further distinguish these claims from the Neyman reference.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above.

Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 7-15 and 24-34 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

Appl. No. 10/072,465
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The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

s/John F. Kacvinsky/s

John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

Dated: October 5, 2005
12400 Wilshire Blvd., 7th Floor
Los Angeles, California 90025

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

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Rachael Brown

10/5/05

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